

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:)
)
REAFFIRMATION AGREEMENTS) GENERAL ORDER No. 05-16
)

It appears that the adoption by the Court of General Order 05-14, requiring all reaffirmation agreements filed after October 17, 2005, to be in compliance with Official Form B-240 has adversely affected a number of debtors whose reaffirmation agreements have been executed, but are not in compliance with the official form. Since it can be argued that the statutory change that precipitated the adoption of the official form applies only to cases filed after October 17, 2005, there is no need to require use of the official form for reaffirmation agreements filed in earlier filed cases.

IT IS HEREBY ORDERED, that General Order 05-14 is hereby **vacated**.

IT IS HEREBY ORDERED, effective as to cases filed on or after October 17, 2005, as follows:

- (1) All reaffirmation agreements filed with the court shall be in compliance with Official Form B-240.
- (2) No reaffirmation hearings will be scheduled and no reaffirmation agreements will be reviewed or approved by the Court unless:
 - (a) a Motion for Reaffirmation Hearing is filed by a creditor or a debtor who is proceeding without an attorney and a debtor desires to reaffirm a debt post-discharge. *See* 11 U.S.C. §§ 524 (C) (6) and (d).
 - (b) a Presumption that a reaffirmation agreement is an undue hardship has arisen under § 524 (m).
- (3) Reaffirmation agreements filed in cases in which the order for relief was entered prior to October 17, 2005 do not need to be in compliance with Official Form B-240. However, such form may be used if the parties to the reaffirmation agreement desire to use it.

DATED: November 2, 2005

/s/ Timothy J. Mahoney
Timothy J. Mahoney, Chief Judge